

ASSEMBLY BILL

No. 1764

Introduced by Assembly Member Wayne

January 8, 2002

An act to amend Section 474 of the Penal Code, relating to forgery.

LEGISLATIVE COUNSEL'S DIGEST

AB 1764, as introduced, Wayne. Forgery: electronic mail.

Existing law makes it a crime for anyone to send to a person, a forged telegraph or telephone message that purports to be from a person other than the sender, as specified, with the intent to deceive, injure, or defraud another.

This bill would include within the scope of the offense, sending a forged electronic communication, as defined, that purports to be from a person other than the sender, as specified.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 474 of the Penal Code is amended to read:

474. (a) Every person who knowingly and willfully sends by telegraph or telephone *or by way of electronic communication* to any person a false or forged message, purporting to be from a telegraph or telephone office, *from the electronic mail address of another person*, or from any other person, or who willfully delivers or causes to be delivered to any person any such message falsely purporting to have been received by telegraph or telephone, *or by way of electronic communication*, or who furnishes, or conspires to furnish, or causes to be furnished to any agent, operator, or employee, to be sent by telegraph or telephone, *or by way of electronic communication*, or to be delivered, any such message, knowing the same to be false or forged, with the intent to deceive, injure, or defraud another, is punishable by imprisonment in the state prison, or in the county jail not exceeding one year, or by fine not exceeding ten thousand dollars (\$10,000), or by both such fine and imprisonment.

(b) *For purposes of this section, "electronic communication" means messages sent by electronic mail, or the posting of web pages on the Internet.*

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.